IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 908 of 2005 (S/S)

Mahipal Lal Kohli
S/o Late Shri Tej Ram Kohli
R/o Government Inter College
Chandranagar
District Rudraprayag … Petitioner

Versus

1. State of Uttaranchal through
its Secretary (Education), Civil Secretariat
Uttaranchal, Dehradun
2. Director of Education
Rudraprayag
3. Principal
Government Inter College Chandranagar
District Rudraprayag … Respondents

Sri R.P. Nautiyal, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 (annexure No. 1 to the petition) passed by the respondent No. 2 i.e. District Education Officer, Rudraprayag.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher (General) in Government Inter College Nagrajadhar, Karakot, District Tehri Garhwal on 09.08.1991. He was transferred as Assistant Teacher (General) in Government Inter College Chandranagar, District Rudraprayag where the petitioner joined his duties on 24.07.2000.

On 30.06.2005, the District Education Officer, Rudraprayag passed an order, by which he has transferred the petitioner from Government Inter College, Chandranagar, District Rudraprayag to Government Inter College, Saurakhal, District Rudraprayag on the ground of "irrelevant subject".

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner has invited by attention towards the Government Order No. संख्या–19–1–1976–कार्मिक–1 dated 05.01.1976 which reads as under:-

> ''मुझे यह कहने का निर्देष हुआ है कि राज्यपाल महोदय यह आदेष देते हैं कि यदि पति पत्नी दो सरकारी सेवा में कर्मचारी/अधिकारी हों तो उनकी नियुक्ति करते समय दोनों का एक ही स्थान पर रखने का यथासम्भव प्रयास किया जाये।''

Learned counsel for the petitioner has further invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 1305.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

It has also been submitted by the learned counsel for the petitioner that the wife of the petitioner is a patient of ulcer and uterus and as per the Government Order dated 1305.2005 his case should have been considered by the respondent No.1 while transferring him to a remote place.

I do not find ground to interfere in the transfer order passed by the respondent No. 2 as the same does not smell of any kind of malafidies.

The writ petition is finally disposed of subject to the condition that the representation dated 05.07.2005 (annexure 2 to the writ petition) filed by the petitioner before the respondent No. 2 shall be disposed of, keeping in view the Government Order issued with regard to the transfer policy as well as the condition of the wife and the son of the petitioner, within a period of 30 days from the date of production of certified copy of the judgment by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

11.07.2005
ASWAL